

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAR PARTNERS, ESTATE OF ALVIN RUSH,
MARILYN RUSH, in her capacity as administrator
of the Estate of Alvin Rush, STEPHEN RUSH, in
his capacity as administrator of the Estate of Alvin
Rush, LAWRENCE RUSH, in his capacity as
administrator of the Estate of Alvin Rush,
RICHARD RUSH, in his capacity as administrator

Adv. Pro. No. 10-04981 (SMB)

of the Estate of Alvin Rush , and GREGORY
RUSH, in his capacity as administrator of the
Estate of Alvin Rush

Defendants.

AMENDED NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by [Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 6, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on May 9, 2014 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 38] and an Amended Notice of Mediation Referral on May 12, 2014 [Dkt. No. 39]. Pursuant to the filing of those notices, the Trustee and Defendants, MAR Partners, Estate of Alvin Rush, Marilyn Rush, in her capacity as administrator of the Estate of Alvin Rush, Stephen Rush, in his capacity as administrator of the Estate of Alvin Rush, Lawrence Rush, in his capacity as administrator of the Estate of Alvin Rush, Richard Rush, in his capacity as administrator of the Estate of Alvin Rush, and Gregory Rush, in his capacity as administrator of the Estate of Alvin Rush (the “Parties”) jointly agreed to enter mediation.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Melanie Cyganowski, from the law firm of Otterbourg Steindler Houston & Rosen P.C., to act as Mediator in this matter. The Parties further agree to contact Ms. Cyganowski as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York

June 25, 2014

/s/ Nicholas J. Cremona

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehand@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Christa C. Turner
Email: cturner@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

/s/ Michael I. Goldberg

Susan F. Balaschak
Email: susan.balaschak@akerman.com
666 Fifth Avenue, 20th Floor
New York, New York 10103
Telephone: (212) 880-3800
Facsimile: (212) 880-8965

Michael I. Goldberg (MG 0869)
Email: michael.goldberg@akerman.com
Las Olas Centre II, Suite 1600
350 East Las Olas Boulevard
Fort Lauderdale, Florida 33301-2229
Telephone: (954) 463-2700
Facsimile: (954) 463-2224

Attorneys for Defendants